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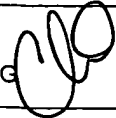
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,667	09/26/2003	John Jiin Chung Yang	CIP2176A-CTI	9791
7590 09/22/2004 Raymond Y. Chan Suite 128 108 N. Ynez Ave. Monterey Park, CA 91754			EXAMINER PRICE, CARL D	
			ART UNIT 3749	PAPER NUMBER

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/672,667	Applicant(s) YANG, JOHN JIIN CHUNG 	
	Examiner CARL D. PRICE	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/22/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims

Claims 1-24 have been cancelled.

New claims 25-33 are pending.

Response to Arguments

Applicant's arguments with respect to new claims 25-33 have been considered but are moot in view of the new ground(s) of rejection.

The amendments to the specification, made by applicant in the response filed on filed 06/22/2004, have been carefully reviewed. It remains to be unclear however, how the pusher button (35) is necessarily capable of being translated relative to the stopper (433) to permit the stopper (433) to be orientation within the pusher button locking cavity (351). Since the outer switch member (431), connected to the stopper through housing slot (37), would necessarily engage any portion of the lower wall edge (illustrated as a line extending between the right and left hatched end walls of the pusher button as seen in Figures 3D-3F), it is unclear how the pusher button would necessarily be moved a distance sufficient to permit orientation of the stopper in the within the pusher button locking cavity (351). Applicant has not disclosed structure to prevent the continuous sidewall of the pusher button from engaging the outer switch member. It appears

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applicant has failed to illustrate means, such as a slot or cut-out, in the push button sidewall for receiving the portion (not illustrated) of the outer switch member (431) extending through the slot (37), into the housing internal cavity (211) and connected to the stopper (433). In this same manner, since the stopper (433B; Figures 10-11) is merely schematically illustrated it is unclear how the various aspects of stopper (433B) would necessarily be engaged, configured to engage, or cooperate with, the various other aspects of the claimed invention (i.e. - stop post, drive shoulder, pivot end, etc.).

In the response of 06/22/2004, applicant has provided no explanation of manner in which the amendments to the specification address the examiner's concerns, or satisfy the requirements of 35 USC 112, first paragraph.

Claim Rejections –First paragraph 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 25-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Figures 3A-3F schematically illustrate the relative movement

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of the pusher button (35) and locking member (43) during operation of the lighter from a locked condition to an unlocked condition, respectively. While it is clear the stopper (433) is moved, by an outer switch member (431) attached thereto, to various positions relative to the stop post (41) and guider latch (42) to achieve the various operating conditions (433) (shown in Figures 3D-3F), it is unclear how the pusher button (35) is necessarily capable of being translated relative to the stopper (433) to permit the stopper (433) to be orientation within the pusher button locking cavity (351). Since the outer switch member (431), connected to the stopper through housing slot (37), would necessarily engage any portion of the lower wall edge (illustrated as a line extending between the right and left hatched end walls of the pusher button as seen in Figures 3D-3F), it is unclear how the pusher button would necessarily be moved a distance sufficient to permit orientation of the stopper in the within the pusher button locking cavity (351). Applicant has not disclosed structure to prevent the continuous sidewall of the pusher button from engaging the outer switch member. It appears applicant has failed to illustrate means, such as a slot or cut-out, in the push button sidewall for receiving the portion (not illustrated) of the outer switch member (431) extending through the slot (37), into the housing internal cavity (211) and connected to the stopper (433). Also, since the stopper (433B; Figures 10-11) is merely schematically illustrated it is unclear how the various aspects of stopper (433B) would necessarily be engaged, configured to engage, or cooperate with, the various other aspects of the claimed invention (i.e.- stop post, drive shoulder, pivot end, etc.).

Claim Rejections - Second paragraph 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 25-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims are vague and indefinite for the following reasons:

- In claim 25, line 33, the phrase “and is normally blocked up the push button sliding towards” causes the claim to be vague and indefinite since is not clear what is meant by “is normally blocked up”.
- In claims 25-44, applicant relies on functional and/or operational language to describe operation and/or cooperation between various aspects of the claimed invention. Recitations such as “normally blocked up”, “with respect to a sliding movement” do not positively recite structure and therefore cause the claim to be indefinite.
- In claim 25, line 39, the phrase “blocked to be pushed toward” is vague and confusing.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25-33: rejected under 35 U.S.C. 103

Claims 25-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US006468070 (JON)(Figures 6 and 7) in view of US006468070 (JON)(FIGURES 5 AND 6)(Figures 1-5), US005409372 (NOBUO) or US006093017A (SAITO).

US006468070 (JON) (Figures 6 and 7) shows and discloses a casing having:

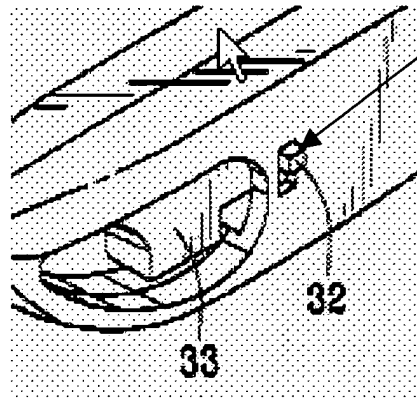
- a lighter housing, which has an internal cavity and a pusher cavity therein,
- a tubular lighter rod (16) extended from the lighter housing,
- the lighter housing has a safety slot (at 32) provided on a sidewall of the lighter housing to communicate the internal cavity with an exterior of the lighter housing,
- a fuel storage housing (30) disposed in the internal cavity of the lighter housing for storing liquefied gaseous fuel;
- an ignition system which comprises
 - o a gas emitting nozzle (31) communicated with the fuel storage housing for releasing gaseous fuel;
 - o a gas tube extended from the gas emitting nozzle to a top end portion of the lighter rod to form an ignition tip therein,

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- a piezoelectric unit (40) supported in the internal cavity for generating piezoelectricity, wherein the piezoelectric unit comprises a movable pad and a spark generating tip extended to the ignition tip through the lighter rod for generating sparks when the movable pad of the piezoelectric unit is depressed; and
- a pusher button (33) which is supported in the pusher cavity in a slidably movable manner to drive the movable pad of the piezoelectric unit to be depressed;
- a gas releasing unit for control a flow of the liquefied fuel, wherein the gas releasing unit comprises a gas lever (not referenced in Figure 7; see (70,50,90) in Figure 2) having a pivot end engaged with the gas emitting nozzle and an actuating end arranged to be depressed so as to pivotally lift up the gas emitting nozzle for releasing the liquefied fuel, and a gas actuating arm integrally extended from the pusher button towards the actuating end of the gas lever such that when the pusher button is depressed, the gas actuating arm is driven to depress the actuating end of the gas lever for releasing the liquefied fuel so as to ignite the liquefied fuel at the ignition tip; and
- a safety arrangement, which comprises:
 - o a stop post integrally extended from the pusher button at a position parallel to the gas actuating arm;
 - o a locking member, which comprises a switching member slidably mounted on the sidewall of the casing along the safety slot and a stopper which is

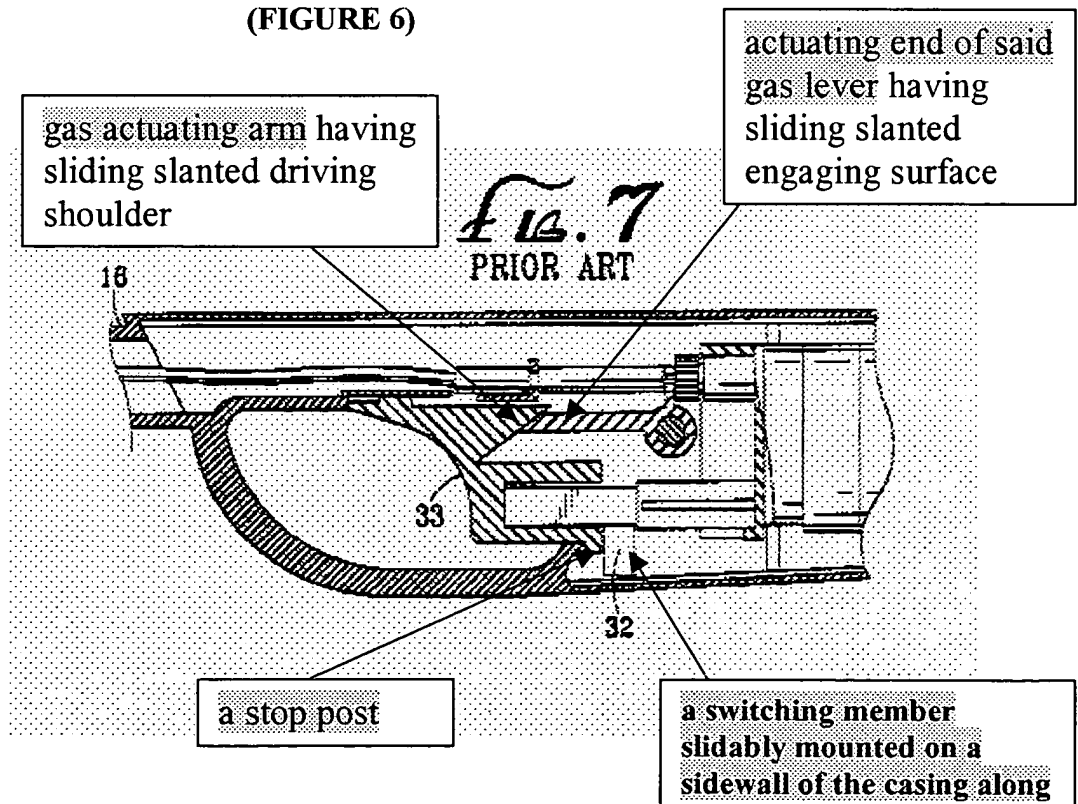
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integrally extended from the switching member into the lighter housing through the safety slot and is normally blocked up the pusher button sliding towards the piezoelectric unit,



a switching member slidably mounted on a sidewall of the casing along a safety slot

(FIGURE 6)



gas actuating arm having sliding slanted driving shoulder

actuating end of said gas lever having sliding slanted engaging surface

FIG. 7
PRIOR ART

a stop post

a switching member slidably mounted on a sidewall of the casing along

- wherein the safety slot is transversely provided on the sidewall of the lighter housing with respect to a sliding movement of the pusher button, wherein the switching member is slid on the sidewall of the lighter housing along the safety slot to drive the stopper between a locked position and an unlocked position, wherein at the locked position, the stop post is aligned with the stopper such that the pusher button is blocked to be pushed towards the piezoelectric unit for ignition, and at the unlocked position, the switch member is slid on the sidewall of the light housing along the safety slot to drive the stopper to move to an offset position that allows the pusher button to be depressed to depress the movable part of the piezoelectric unit and to depress the actuating end of the gas lever simultaneously for igniting the utility lighter,
- and a resilient element supported in the internal cavity of the lighter housing for urging a pushing force to the locking member to normally retain the locking member at the locked position.

US006468070 (JON)(FIGURES 5 AND 6) discloses the invention substantially as set forth in the claims with possible exception to a resilient element supported in the internal cavity of the lighter housing for urging a pushing force to the locking member to normally retain the locking member at the locked position.

US006468070 (JON)(FIGURES 1-5) teaches, from the same gas lighter field of endeavor as US006468070 (JON)(FIGURES 6 AND 7), a resilient element (50, 90) supported in an internal cavity of a lighter housing for urging a pushing force to a locking member (80) to normally retain the locking member at a locked position.

US005409372 (NOBUO) teaches, from the same gas lighter field of endeavor as US006468070 (JON)(FIGURES 6 AND 7), alternative resilient elements (coil spring 5; leaf coil spring 6; integral formed leaf spring 40, 41) supported in a cavity of a lighter housing for urging a pushing force to a locking member to normally retain a locking member (4) at a locked position.

US006093017 (SAITO ET AL) teaches, from the same gas lighter field of endeavor as US006468070 (JON)(FIGURES 6 AND 7), resilient element (leaf coil spring 631) supported in a cavity of a lighter housing for urging a pushing force to a locking member to normally retain a locking member (632) at a locked position.

In regard to claims 25 and 28-33, for the purpose of urging a pushing force to a locking member to normally retain the locking member at a locked position, it would have been obvious to a person having ordinary skill in the art to position a coil spring resilient element supported in an internal cavity of the lighter housing, in view of the teachings of US006468070 (JON)(Figures 1-5) or US005409372 (NOBUO). In regard to claims 25-33, for the purpose of urging a pushing force to a locking member to normally retain the locking member at a locked position, it would have been obvious to a person having ordinary skill in the art to position a coil spring resilient element supported in an internal cavity of the lighter housing between a wall of

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the cavity and a groove in the locking member, in view of the teachings of US006093017 (SAITO et al).

Conclusion

See the attaché PTO form 892 for prior art made of record and not relied upon that is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

USPTO CUSTOMER CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARL D. PRICE whose telephone number is 703-308-1953. The examiner can normally be reached on Monday through Friday between 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 703-308-1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Carl D. Price', with a stylized flourish at the end.

CARL D. PRICE
Primary Examiner
Art Unit 3749